



# Education and Local Government Interim Committee

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## 59th Montana Legislature

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EXHIBIT 13  
DATE 9/9/07  
HB 2

September 11, 2006

SEP 13 2006

Mr. David Ewer, Director  
Governor's Budget and Program Planning Office  
P.O. Box 200802  
Helena, MT 59620-0802

Dear Director Ewer,

The Legislature's Education and Local Government Interim Committee, upon the recommendation of its Local Government Subcommittee (subcommittee), encourages support for proposed programs at the University of Montana and at the Montana Department of Commerce that would provide consistent guidance and assistance to local land use planners.

During the 2005-2006 Interim, the subcommittee focused much of its time and attention on SJR 11, a resolution that requested a study of subdivision and land use planning laws. The Montana Association of Planners (MAP) and several of its members worked diligently on the SJR 11 study, along with other stakeholder groups such as the Montana Association of Realtors, the Montana Smart Growth Coalition, and the Montana Association of Counties.

Throughout the process, as various changes to state land use planning laws were considered, a recurring theme emerged: many local planning offices are overwhelmed by the land use activity in their jurisdictions or have limited staff resources to handle the complex land use situations that arise; and planners have no consistent resource for interpretation of state law and for guidance on changes in laws and regulations.

To gain more insight into how local planning offices operate and the fees that are charged for various types of review, MAP and the subcommittee distributed a questionnaire to all Montana city and county planning offices. Two of the questions asked were:

*Who provides technical assistance to staff and the governing body when questions regarding planning and development arise?*

*Is this arrangement working, or what could be done to improve the resources available?*

Many responders reported that they regularly consult with legal staff, other planners, and an attorney affiliated with the Montana Association of Counties, but overwhelmingly, responders cited a need for a program to provide centralized, consistent, statewide assistance.

To address this need, the subcommittee engaged in discussions with Prof. John Horwich, director of the University of Montana School of Law's Land Use Clinic, and with David Cole, administrator of the Department of Commerce's Community Development Division. Both Prof. Horwich and Mr. Cole presented proposals for programs at their respective institutions that would provide the type of technical assistance planners are requesting.

After hearing the detailed proposals, subcommittee members concluded that both proposals had merit and could complement one another, rather than compete. The subcommittee voted to recommend to the full committee that it express its support for both proposals. Members of the full committee unanimously concurred and directed that the Office of the Commissioner of Higher Education and the Governor's Budget and Program Planning Office be notified of their action.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeff Mangan", followed by a smaller signature that appears to be "kg" or "jk".

Sen. Jeff Mangan, Chair  
Education and Local Government Interim Committee

c     ✓ Anthony Preite, Director, Department of Commerce  
       ✓ David Cole, Administrator, Community Development Division

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